

**TRANSLATION****PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>P211</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/JP2004/012382</b>	International filing date (day/month/year) <b>27.08.2004</b>	Priority date (day/month/year) <b>29.08.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>C23G1/22</b>		
Applicant <b>NIHON PARKERIZING CO., LTD.</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:	
<input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/>	Box No. I Basis of the report
<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI Certain documents cited
<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input type="checkbox"/>	Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/012382

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))  
☐ publication of the international application (Rule 12.4)  
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages \_\_\_\_\_ as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the claims:

nos. \_\_\_\_\_ as originally filed/furnished

nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19

nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the drawings:

sheets \_\_\_\_\_ as originally filed/furnished

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages \_\_\_\_\_

☐ the claims, nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-7</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-7</u>	NO
Industrial applicability (IA)	Claims	<u>1-7</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Document 1: JP 2001-64700 A (Kiresuto Kabushiki Kaisha), 13 March 2001			
Document 2: 04-187788 A (Nihon Parkerizing Co., Ltd.), 06 July 1992			
<p>The inventions set forth in claims 1 to 7 do not involve an inventive step in the light of document 1 and document 2 cited in the international search report.</p> <p>In the written response dated 27 June 2005, the applicant asserts that the abovementioned documents do not include any disclosure which indicates that HEDP exhibits a stability coefficient of 5.0 to 14.0 when reacted with Ca, and further asserts that the invention set forth in the present application is delimited as including ions that have been eluted from aluminum.</p> <p>However, the description of the present application specifies that "it is preferable for the metal ions that exhibit a stability coefficient of 5.0 to 14.0 when reacted with an organic phosphoric acid or a salt thereof to be...calcium ions..." (paragraph [0015]), and does not set forth any other conditions for selecting ion species such said stability coefficient will fall within a range of 5.0 to 14.0; meanwhile, calcium ions are employed in the</p>			

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

invention that is disclosed in document 1. Such being the case, the calcium ions that are disclosed in document 1 can be said to exhibit a stability coefficient of 5.0 to 14.0 when reacted with an organic phosphoric acid or a salt thereof, like in the invention that is set forth in the present application.

In addition, claim 1 includes the disclosure "one specie of metal ion or two or more species of metal ions selected from among metal ions that exhibit a stability coefficient of 5.0 to 14.0," wherein the scope of said disclosure includes configurations in which only one specie of metal ion is selected from among the metal ions that exhibit a stability coefficient of 5.0 to 14.0; therefore, the scope of the invention that is set forth in claim 1 can be considered to include configurations that delimit only Ca ions, like the invention that is disclosed in document 1.

As a result, the abovementioned assertions by the applicant are not applicable. Consequently, the inventions that are set forth in claims 1 to 7 do not involve an inventive step for the reasons presented in the written opinion that was issued on 07 December 2004.